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Krieg Devault

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KRIEG · DEVAULT
ATTORNEYS AT LAW

FAX COVER PAGE

DATE: December 9, 2005

PAGES INCLUDING THIS PAGE: 13

TO: United States Patent and Trademark Office
COMPANY: Examiner Annette R. Reimers, Art Unit 3732

FAX NUMBER: 571-273-2885
PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333

FAX NUMBER: (317) 636-1507

RE: Response to Office Action for U.S. Patent Application No. 10/625,418 to Kevin T. Foley et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-2885 on:

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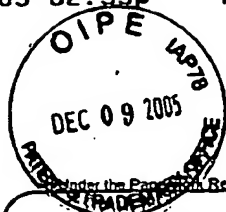
KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204
TELEPHONE-(317) 636-4341
FAX-(317) 636-1507

KRIEG DEVAULT LLP
12800 N MERIDIAN STREET
SUITE 300
CARMEL, IN 46032
TELEPHONE-(317) 566-1110
FAX-(317) 636-1507

KRIEG DEVAULT GALVIN
LLP
5231 HOHMAN STREET
HAMMOND, IN 46320
TELEPHONE-(219) 933-0380
FAX-(219) 933-0471

KRIEG DEVAULT LUNDY
LLP
825 ANTHONY WAYNE
BUILDING
203 EAST BERRY STREET
FT. WAYNE, IN 46802
TELEPHONE-(260) 422-1534
FAX-(260) 423-1590

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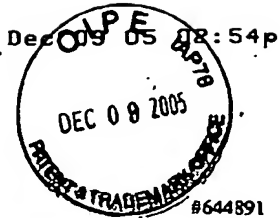
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10625,418	
	Filing Date	July 23, 2003	
	First Named Inventor	Kevin T. Foley et al.	
	Art Unit	3732	
	Examiner Name	Arnette R. Reimers	
Total Number of Pages in This Submission	12	Attorney Docket Number	MSD-52/PC459.08

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Krieg DeVault, LLP	
Signature		
Printed name	Douglas A. Collier	
Date	December 9, 2005	Reg. No. 43,558

CERTIFICATE OF TRANSMISSION/MAILING	
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Typed or printed name	Douglas A. Collier
Date	December 9, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent .)	
application of:)	Before the Examiner:
)	Annette R. Reimers
Kevin T. Foley et al.)	
)	Group Art Unit:
Serial No. 10/625,418)	3732
)	
Filed: July 23, 2003)	Atty Docket No.:
)	MSDI-52/PC459.06
METHODS AND INSTRUMENTS FOR)	
INTERBODY SURGICAL TECHNIQUES))	December 9, 2005

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated 9 September 2005, please consider the following. No fees or extensions of time are believed due for consideration of the enclosed. However, please provide any extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 12-2424 but not to include any payment of issue fees.

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December 9, 2005
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Response to First Office Action
USSN 10/625,418
Atty Docket No. 4002-3363/PC459.06
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